



South Carolina House of Representatives

# Legislative Update

Robert W. Harrell, Jr., Speaker of the House

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## HOUSE WEEK IN REVIEW

The House of Representatives approved and sent to the Senate **H.3286**. This bill revises provisions relating to the **PAYMENT OF EXTENDED UNEMPLOYMENT BENEFITS** when federally funded, so as to change the method for calculating certain funding indicators by basing the calculation on one or more three-month periods ending the preceding three calendar years.

The House approved and sent to the Senate **H.3303**, a joint resolution **PROMOTING MAJOR GENERAL STANHOPE S. SPEARS TO THE RANK OF LIEUTENANT GENERAL OF THE SOUTH CAROLINA ARMY NATIONAL GUARD** effective January 11, 2011.

## HOUSE COMMITTEE ACTION

### AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full Agriculture, Natural Resources, and Environmental Affairs Committee did not meet this week.

### EDUCATION AND PUBLIC WORKS

The full Education and Public Works Committee did not meet this week.

### JUDICIARY

The Judiciary Committee met on Tuesday, January 18, and reported out two items.

**H.3285**, a **PROPOSED CONSTITUTIONAL AMENDMENT REQUIRING CERTAIN BILLS AND JOINT RESOLUTIONS TO RECEIVE A RECORDED ROLL CALL VOTE AT VARIOUS STAGES OF THEIR PASSAGE BY THE HOUSE OF REPRESENTATIVES AND THE SENATE**, received a favorable with amendment report from the Judiciary Committee. This legislation proposes to amend the State Constitution so as to require the respective Houses of the General Assembly to conduct recorded roll call votes for the Annual General Appropriations Bill and certain other bills and joint resolutions whenever the pending question is adoption of a Conference Report or Free Conference Report, passage of a bill or joint resolution on second reading, either the House of Representatives or the Senate concurs or nonconcurs in the other body's amendment, or a bill or joint resolution is amended subsequent to second reading and the pending question is the passage of a bill or joint resolution on third reading. The

proposed amendment must be submitted to the qualified electors at the next general election for representatives.

The Judiciary Committee also gave a favorable with amendment report to **H.3003**, which establishes a **PHOTOGRAPH IDENTIFICATION REQUIREMENT FOR VOTING**. This legislation requires the State Elections Commission to implement a system for issuing voter registration cards with a photograph of the elector; this voter registration card may be used for voting purposes only. Under the legislation, when a person presents himself to vote, he shall produce a valid South Carolina driver's license, or other form of identification containing a photograph issued by the Department of Motor Vehicles (DMV), or a passport, or a military photo identification issued by the federal government, or a South Carolina voter registration card containing a photograph. The legislation requires one of the managers to compare the photograph contained on the required identification with the person presenting himself to vote and verify that the photograph is that of the person seeking to vote. If the elector cannot produce a valid South Carolina driver's license or other approved form of identification, the elector may cast a provisional ballot that is counted only if the elector brings a valid photo identification to the board of voter registration prior to certification by the county board of canvassers. If the manager disputes that the photograph contained on the required identification is the person presenting himself to vote, the legislation establishes a process allowing the elector to cast a provisional ballot. The legislation provides an alternate process of affirming identity through completing an affidavit under penalty of perjury at the polling place and casting a provisional ballot in situations where an elector has a religious objection to being photographed or suffers from a reasonable impediment that prevents the elector from obtaining photograph identification. The State Election Commission is directed to create a list of all registered voters that do not have a form of identification with a photograph issued by the DMV. This list must be made available to registered voters upon request. The commission may charge a reasonable fee for the provision of the list in order to recover costs of producing the list. The DMV shall provide a list of persons issued identification with a photograph at no cost to the commission. The legislation requires the DMV to issue a special identification card to a person who is at least seventeen years old at no charge; currently, there is a fee for the issuance of this special identification card. The DMV may resume charging the fee once the State Election Commission certifies it has implemented statewide the issuance of voter registration cards with a photograph. Currently, the DMV may issue special identification cards to a person ten years or older; this bill allows DMV to issue special identification cards to a person five years of age or older. Among other duties, the legislation requires the executive director of the State Election Commission to enter into the master file a separate designation each for voters casting absentee ballots in a general election. If an elector loses or defaces his registration, he may obtain a duplicate notification from his county board of registration upon request. Also, the legislation includes factors to consider in determining a person's intention regarding domicile. The State Election Commission is required to establish a voter education program concerning the new provisions and to implement necessary accommodations to allow voting in each county to comply with the Help America Vote Act.

## **LABOR, COMMERCE AND INDUSTRY**

The full committee did not meet this week.

## **MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

The Medical, Military, Public and Municipal Affairs Committee met on Tuesday, January 18, 2011, to adopt the rules of the committee.

## **WAYS AND MEANS**

On Thursday, January 20, the Ways and Means Committee conducted a forum on the state government budget shortfall to illustrate the size of budget cuts needed in the upcoming fiscal year in order to substitute recurring state dollars for various amounts of the one-time federal stimulus funds included in the budget for the current fiscal year.

## **BILLS INTRODUCED IN THE HOUSE THIS WEEK**

### **AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS**

#### **H.3372 *UNLAWFUL REMOVAL OR DESTRUCTION OF ELECTRONIC DOG COLLARS* REP. Hixon**

This bill adds that it is unlawful to intentionally remove or destroy an electronic collar or other electronic device placed on a dog by its owner to maintain control of the dog. A person who violates this provision is guilty of a misdemeanor.

#### **H.3374 *INTERSTATE WILDLIFE VIOLATOR COMPACT* Rep. Hixon**

The Governor shall execute an Interstate Wildlife Violator Compact on behalf of the State of South Carolina with any state of the United States legally joining. The purposes of this compact are to provide a means through which the party states may participate in a reciprocal program to effectuate policies relating to the management of wildlife in a uniform and orderly manner and to provide for the fair and impartial treatment of wildlife violators operating within party states in recognition of the person's right of due process and the sovereign status of a party state.

#### **H.3389 *LANDFILLS* Rep. R. L. Brown**

This bill provides for a specific manner for the construction of sanitary landfills for the disposal of construction and demolition debris waste.

## **EDUCATION AND PUBLIC WORKS**

#### **H.3334 *SCHOOL CALENDAR AND MAKE-UP DAYS* Rep. King**

This legislation prohibits a school district from designating Martin Luther King, Jr. day as a potential make-up day when the schools are closed due to inclement weather or other disruptions.

**H.3347 ADMISSION INTO TECHNICAL INSTITUTION PROGRAMS**

**Rep. Lowe**

This legislation requires a technical institution to develop criteria for admission into each program of study that receives more applicants who meet the minimum requirements than it has space available in at least two of the three prior academic years. These criteria must create a competitive admission process designed to allow the best applicants entrance into the program. The institution shall submit these criteria to the State Board for Technical and Comprehensive Education for approval by January 1, 2012, to be put into effect beginning with the 2012-2013 academic year. These criteria may give preference to applicants who reside within the region in which the institution is located, but residency may not exceed five percent of the total competitive admission process criteria.

**H.3355 NAMING A ROAD, BRIDGE OR OTHER HIGHWAY FACILITY IN HONOR OF AN INDIVIDUAL**

**Rep. Toole**

The legislation provides that unless a road, bridge, or other highway facility is dedicated and named in honor of either a serviceman, law enforcement officer, or fireman killed in the line of duty, public funds may not be used to reimburse the Department of Transportation for expenses it incurs. If, however, money to fund the erection of a sign is raised privately, signs may be erected in honor of an individual. The legislation also provides that, before June 30, 2011, no 'C' Fund or General Fund revenues may be used to defray the costs of purchasing or erecting signs for traffic generators, except for those traffic generators that are included in Department of Transportation regulations.

**H.3357 NO FEE FOR TAKING THE GENERAL EDUCATIONAL DEVELOPMENT EXAM (GED) FOR CERTAIN STUDENTS**

**Rep. Toole**

This bill provides that a person who is enrolled in a state sponsored adult education program in the school district in which he resides may take the General Educational Development Exam (GED) free of charge if he meets all requirements of the adult education program, including attendance, and scores at least a 2400 on a practice GED exam. To the extent necessary to reimburse the State Department of Education for expenses incurred during the administration of the exam, funds must be deducted in a pro rata amount from funds appropriated for the LIFE Scholarship, HOPE Scholarship, Palmetto Fellows Scholarship, the Need Based Grants program, and the Tuition Assistance program.

**H.3358 ABOLITION OF COUNTY BOARDS OF EDUCATION**

**Rep. Toole**

This legislation abolishes every county board of education in existence on January 1, 2011. All powers and duties of the individual county boards of education are devolved upon the boards of trustees of the local school districts of the county. The millage constituting the minimum foundation funding and financial support for the public schools of the county must be administered annually by the county treasurer and must be divided equally, on an annual basis, among the local school districts of the county, with each of the districts receiving an equal share of the revenue generated each year from the millage. The assets of the county board of education must be sold and the proceeds from the sale must be equally divided among the local school districts of the county.

**H.3390 PETITIONING A COURT TO ABANDON OR CLOSE A STREET,  
ROAD, OR HIGHWAY Rep. R. L. Brown**

Relating to petitioning a court to abandon or close a street, road, or highway, this legislation provides that notice of intention to file a petition must be posted along the street, road, or highway subject to the approval of the location of the posting by the governmental entity responsible for maintenance of the street, road, or highway.

## **JUDICIARY**

**H.3335 "FRIENDSHIP NINE ACT" Rep. King**

This legislation enacts the "Friendship Nine Act". The legislation provides a procedure whereby a person may obtain a pardon for a conviction for conduct related to the protesting or challenging of a state law, or a county or municipal ordinance whose purpose was to maintain racial segregation or racial discrimination of individuals. This applies to convictions obtained prior to January 1, 1980. If the convicted person is deceased, the application and petition for the pardon may be filed by a person who has legal authority to act on behalf of the deceased person. A person who receives a pardon pursuant to these provisions shall have his pardon application fee refunded to him within 30 days of the date the pardon is granted.

**H.3341 ESTABLISHMENT OF THE OFFENSE OF EXPOSING A CHILD TO  
METHAMPHETAMINE WHEN SERIOUS BODILY INJURY TO A  
MINOR CHILD RESULTS Rep. Stringer**

This legislation establishes the offense of exposing a child to methamphetamine when serious bodily injury to a minor child results. This is a felony offense and, upon conviction, a person must be fined not more than \$50,000 dollars or imprisoned for a mandatory minimum term of imprisonment of five years nor more than twenty years. No part of the mandatory minimum may be suspended nor may probation be granted.

**H.3342 OFFICE OF MOTOR VEHICLES HEARINGS Rep. Harrison**

Among other things, this bill replaces the term "administrative hearing" with the term "contested hearing" with regards to certain hearings before the Office of Motor Vehicles. The bill also increases the filing fee for a contested case from \$150 to \$200 dollars. These funds must first be used to meet the expenses of the Office of Motor Vehicle Hearings, including the salaries of its employees as directed by the chief judge of the Administrative Law Court.

**H.3349 QUALIFICATIONS FOR REGISTERING TO VOTE FOR SOMEONE  
WHO HAS NEVER LIVED IN THE UNITED STATES Rep. Clemmons**

This legislation outlines qualifications for registering to vote for someone who has never lived in the United States but has a parent who is a qualified elector. Under this bill that person is eligible to register and vote where the person's parent is a qualified elector. The bill requires the person not to be registered anywhere else. The bill also authorizes a person to vote by absentee ballot if he or a parent last resided in this state immediately before his or his parents' departure from the United States.

**H.3356 PROPOSED CONSTITUTIONAL AMENDMENT PERTAINING TO THE  
LEGISLATIVE DEPARTMENT Rep. Toole**

This joint resolution proposes to amend the State Constitution so as to provide that a bill or joint resolution imposing or increasing a tax, the revenue of which is credited to the general fund of the State, may not become law without the approval of three-fifths of the membership elected to the House of Representatives and three-fifths of the membership elected to the Senate. The proposed amendment must be submitted to the qualified electors at the next general election for representatives.

**H.3359 PROPOSED CONSTITUTIONAL AMENDMENT PERTAINING TO THE  
LEGISLATIVE DEPARTMENT Rep. Toole**

This joint resolution proposes to amend the State Constitution so as to provide that a bill or joint resolution imposing or increasing a fee may not become law without the approval of three-fifths of the membership elected to the House of Representatives and three-fifths of the membership elected to the Senate. The proposed amendment must be submitted to the qualified electors at the next general election for representatives.

**H.3375 "SOUTH CAROLINA FAIRNESS IN CIVIL JUSTICE ACT OF 2011"  
Rep. Harrell**

This legislation enacts the "South Carolina Fairness in Civil Justice Act of 2011," which outlines tort reform provisions. Torts are private or civil wrongs for which the court provides a remedy, usually in the form of damages. The legislation caps the award of punitive damages at three times compensatory damages or \$350,000, whichever is greater. The limitation on punitive damages does not apply in situations involving: intentional conduct; conviction of a felony criminal charge in the course of conduct that gives rise to the damages; and intoxication. The bill provides that (1) a claim for punitive damages must be specifically prayed for in a complaint; (2) the plaintiff shall not specifically plead an amount of punitive damages, only that punitive damages are sought; (3) a bifurcated trial on punitive damages must be held before the same finder of fact; and (4) a "clear and convincing" evidence standard must be used for an award of punitive damages with eleven factors to be considered by the finder of fact in awarding punitive damages. A part of this legislation is the "Private Attorney Retention Sunshine Act". The bill establishes parameters under which the Attorney General or a circuit solicitor may retain outside counsel. The bill sets up a sliding scale for compensation to be received by the outside counsel based upon the amount of the award. The Attorney General or circuit solicitor shall retain 10% of outside counsel's fees, and all other proceeds are to be used for the State of South Carolina based on the Attorney General or solicitor's judgment. Outside counsel must provide the Attorney General or solicitor a detailed account of all work performed each month. Outside counsel shall only be reimbursed for reasonable costs and expenses when expressly authorized by the Attorney General or solicitor. A circuit solicitor or the Attorney General may depart from the guidelines by publicly disclosing the reasons for the departure and that the departure was in the best interests of the State; this information is public record subject to disclosure pursuant to the Freedom of Information Act. The bill makes revisions to the Statute of Repose. The bill provides that building code violations do not constitute per se fraud, gross negligence or recklessness, but such violations may be introduced as evidence of fraud, gross negligence, or recklessness. The legislation establishes a cap on the bond a business must post to file an appeal in a civil lawsuit. The legislation limits the amount of an appeal bond that a court can order posted to the amount of the judgment or \$25 million dollars for a large business or \$ 1 million for a small business or individual, whichever is less. Small and large businesses are defined based on gross receipts and number of employees. Also, the legislation repeals the current statutory prohibition on admissibility of failure to use a seat belt.

**H.3376 DISCLOSURE OF INFORMATION TO LAW ENFORCEMENT**

**Rep. Limehouse**

This legislation provides that when a college or university campus police department becomes aware that a student has been suspended, expelled, or withdrew from the college or university for engaging in disruptive or antisocial behavior, then the campus police department must release all files and information in its possession relating to the student's suspension, expulsion, or withdrawal from the institution to the local law enforcement agency that has jurisdiction over the institution's campus.

**H.3379 STATE BUDGET AND CONTROL BOARD**

**Rep. Crawford**

This legislation makes the State Budget and Control Board a part of the Governor's executive cabinet and eliminates the current five member board. The legislation provides that the governor shall appoint an executive director of the State Budget and Control Board, upon the advice and consent of the Senate; the authority of the five member board is transferred to the executive director.

**H.3384 ESTABLISHMENT OF THE OFFENSE OF UNLAWFUL TRACKING**

**Rep. Rutherford**

With certain exceptions, this legislation provides that it is unlawful for a person to: (1) install or place a tracking device, or cause a tracking device to be installed or placed, in or on a motor vehicle without the knowledge and consent of the owner of the motor vehicle or, if the motor vehicle is leased, without the knowledge and consent of the lessee of the motor vehicle; and (2) track the location of a motor vehicle with a tracking device without the knowledge and consent of either the owner or the authorized operator of the motor vehicle. The legislation defines the term "tracking device". A person who violates these provisions is guilty of a misdemeanor and, upon conviction, must be fined not more than \$500 dollars or imprisoned for not more than one year.

**H.3385 SALE OF ALCOHOLIC LIQUORS**

**Rep. D. C. Moss**

This bill provides that it is unlawful to sale alcoholic liquors on Christmas Day and Thanksgiving Day.

**H.3388 TOBACCO PRODUCTS**

**Rep. R. L. Brown**

This legislation provides it is illegal for a person engaged in the business of selling tobacco products to ship or transport cigarettes to a person in this State who is not a lawful recipient. The legislation defines a lawful recipient as well as requires proof of age by a lawful recipient. The legislation imposes civil penalties for violations.

**H.3392 ELECTION LAW REVISIONS**

**Rep. Clemmons**

Relating to the required notice for general, municipal, special, and primary elections, this legislation (1) changes the posted time at which absentee ballots may begin to be examined from 2:00 p.m. to 9:00 a.m., and (2) requires notification of the date the make-up election will be held in the event of inclement weather or other emergency. Relating to the date by which the party chairman, vice chairman, or secretary must provide written certification of the candidates' names to the State Election Commission, this legislation changes the date from April ninth to April fifth. Relating to special elections, this legislation provides that if the Governor declares a state of emergency covering an entire jurisdiction holding an election, the election must be postponed and held on the next Tuesday. Relating to the certification of candidates, this legislation changes the date by which candidates for president and vice president must be certified to the State Election



Commission from September tenth to the first Tuesday following the first Monday in September.

**H.3395 AGGRAVATING CIRCUMSTANCE FOR WHICH THE DEATH  
PENALTY MAY BE IMPOSED Rep. Murphy**

This legislation provides that the murder of a federal, state, or local elected or appointed official (or their family members) during or because of the performance of his official duties is an aggravating circumstance for which the death penalty may be imposed.

**H.3396 POLL MANAGERS AND POLL WATCHERS Rep. Lowe**

This legislation requires election commissioners to attempt to appoint poll managers who represent the racial and gender composition of the precinct. The legislation also requires poll managers to allow poll watchers to sit directly behind the poll managers responsible for voter identification and verification.

**H.3398 ESTABLISHMENT OF THE OFFENSE OF THEFT OF A FIREARM  
Rep. Pitts**

This legislation provides that a person who steals a firearm is guilty of the felony offense of theft of a firearm and, upon conviction, must be fined not more than \$5,000 dollars and imprisoned for a mandatory minimum of seven years nor more than ten years. No part of the mandatory minimum term of imprisonment required by this section may be suspended nor probation granted.

**H.3400 TERMINATION OF CHILD SUPPORT OBLIGATION Rep. Weeks**

Relating to jurisdiction of the family court in certain matters, this legislation provides that a child support obligation automatically terminates when the child turns eighteen or graduates from high school, whichever is sooner.

**H.3402 "MEDICAL MALPRACTICE EXPERT TESTIMONY ACT"  
Rep. G. R. Smith**

This legislation provides that an individual not licensed to practice medicine in South Carolina who provides expert medical witness testimony in an administrative, civil, or criminal proceeding in this State must be subject to the jurisdiction of the Board of Medical Examiners as if fully licensed as a medical expert witness.

**H.3403 'BORN-ALIVE' LEGISLATION Rep. Delleney**

The legislation provides that, in determining the meaning of any act or joint resolution of the General Assembly or in a regulation promulgated pursuant to Article 1, Chapter 23, Title 1, the words 'person', 'human being', 'child', and 'individual', must include every infant member of the species homo sapiens who is born alive at any stage of development. The term 'born alive', with respect to a member of the species homo sapiens, means the complete expulsion or extraction from the mother of that member, at any stage of development, who after the expulsion or extraction breathes or has a beating heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, regardless of whether the umbilical cord has been cut, and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, cesarean section, or induced abortion. Nothing in this legislation may be construed to affirm, deny, expand, or contract any legal status or legal right applicable to any member of the species homo sapiens at any point before being 'born alive' as defined in this legislation.

**H.3405 *ELECTED AND APPOINTED PERSONS ALLOWED TO CARRY A CONCEALED WEAPON WHILE ON DUTY* Rep. Vick**

Relating to the list of elected and appointed persons allowed to carry a concealed weapon while on duty, this legislation includes any elected or appointed public official who does not already appear on the list.

**H.3408 *"FREEDOM OF CONSCIENCE ACT"* Rep. Delleney**

This legislation prohibits an employer from dismissing, demoting, suspending, disciplining or discriminating against an employee who advises the employer that he or she refuses to participate in certain activities including, but not limited to, procedures related to embryonic tissue or a developing child in an artificial or natural womb. A health care facility is not required to admit a patient, or to allow the use of the facility for procedures including, but not limited to, procedures related to embryonic tissue or a developing child in an artificial or natural womb. Certain health care providers and employees of such providers who provided notice that they will not participate in such activities must not be required to participate, must not be disciplined due to such refusal, and are immune from liability for any damages caused by such refusal. The State must not require an insurance plan or issuer to cover procedures including, but limited to, procedures relating to embryonic tissue or development of a child in an artificial or natural womb. The legislation prohibits a health care facility, school, or employer from discriminating against a person regarding admission, hiring or firing, terms of employment, or student or staff status because the person refuses, whether or not in writing, to participate in procedures including, but not limited to, procedures related to embryonic tissue or a developing child in an artificial or natural womb. A person must not be required to participate in, make facilities available for, or provide personnel for procedures including, but limited to, procedures relating to embryonic tissue or development of a child in an artificial or natural womb if the activity is contrary to the person's conscience. The legislation prohibits discrimination against a person establishing or operating a health care facility because the facility declines to participate in a health care service that is contrary to the facility's conscience. A person adversely affected by conduct that is in violation of these provisions may bring a civil action for equitable relief, and if the person prevails, the court shall award attorney's fees.

## **LABOR, COMMERCE AND INDUSTRY**

**H.3332 *AUTOMOBILE INSURANCE DRIVER TRAINING COURSE CREDIT* Rep. Sandifer**

This bill establishes new provisions for driver training course credits that allow for a reduction in premium charges for automobile insurance liability and collision coverage for drivers, other than youthful operators, who successfully complete approved driver training courses and refresher courses.

**H.3333 *FINANCIAL REQUIREMENTS OF INSURERS* Rep. Sandifer**

This bill revises insurers' securitization requirements and requirements for financial statements filed with the Department of Insurance.

**H.3344 *"UNFAIR DISCRIMINATION AGAINST SUBJECTS OF ABUSE IN INSURANCE ACT"* Rep. Brady**

This bill enacts the “Unfair Discrimination Against Subjects of Abuse in Insurance Act” to provide that it is unfair discrimination for an insurer to deny, refuse to issue or renew, cancel, restrict or exclude coverage, deny a claim or limit payments, or add a premium differential to a policy or certificate of coverage on the basis that an applicant or insured has been or is perceived to have been abused or may be a subject of abuse. The legislation establishes penalties for violations, including fines up to two hundred thousand dollars.

**H.3345 “HEALTHCARE SHARING MINISTRIES FREEDOM TO SHARE ACT”**  
**Rep. Brady**

This bill enacts the “Healthcare Sharing Ministries Freedom to Share Act” to provide that a healthcare sharing ministry is a faith-based, nonprofit, tax-exempt organization that establishes criteria and procedures to facilitate matching participants having financial or medical needs with other participants who are able to assist in meeting those needs or that helps provide for the financial or medical needs of a participant through contributions of another participant. The legislation provides that such a healthcare sharing ministry is not engaging in the business of insurance.

**H.3354 RESTRICTIONS ON AMOUNTS OF FIRE INSURANCE** Rep. Toole

This bill revises restrictions on the amount of fire insurance that may be written, so as to allow the insured to set the amount so long as the set amount does not exceed the total value of all recorded liens on the property.

**H.3373 EXEMPTION FROM THE REQUIREMENT TO WRITE AUTOMOBILE INSURANCE** Rep. Sandifer

This bill removes certain exemptions from the provision requiring an automobile insurer to write automobile insurance coverage for an applicant or existing policyholder.

**H.3383 “DEBT COLLECTION AGENCY LICENSING ACT”** Rep. Cobb-Hunter

This bill enacts the “Debt Collection Agency Licensing Act” to provide for the licensure and regulation of debt collection agencies by the Department of Consumer Affairs. The legislation establishes licensure requirements, including fees, surety bonds, and record keeping requirements, grounds for denial, revocation, or suspension of a license, and license renewal procedures and requirements, including continuing education. The legislation establishes debt collection procedures and provides civil and criminal penalties for violations.

**H.3393 PERSONS WHO MAY SERVE AS A DECEDENT’S AGENT TO AUTHORIZE CREMATION** Rep. Sandifer

This bill revises provisions specifying persons who may serve as a decedent’s agent to authorize cremation, so as to further provide for those persons who, in order of priority, may authorize cremation.

## **MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

**H.3350 TRANSMITTAL OF PATIENTS’ MEDICAL RECORDS** Rep. Crosby

Upon the written request of a patient, a physician must transmit the patient's medical record to a hospital where the patient has been or is scheduled to be hospitalized, and the physician is not or will not be the patient's attending physician while the patient is hospitalized. In addition the physician must transmit with the medical record a summary of the treatment rendered.

**H.3387 HAIR BRAIDING Rep. R. L. Brown**

The bill revises the definition of hair braiding to include the use of hair extensions.

**H.3378 COMMITMENT OF TUBERCULOSIS PATIENTS Rep. Crawford**

This bill provides for an emergency order issued by the Department of Health and Environmental Control or by the probate court for detention, examination, isolation, and treatment of a person with tuberculosis who poses a risk to the public. The bill also provides for the circumstances and scope of an emergency order.

**H.3391 NURSING HOME ADMINISTRATOR LICENSES Rep. R. L. Brown**

The bill adds that the nursing home administrators' examination administered by the board must cover South Carolina law, regulations and other provisions. It further outlines that the examination must not include a national examination.

## WAYS AND MEANS

**H.3331 HOMESTEAD PROPERTY TAX EXEMPTION INCREASE Rep. Crosby**

This bill increases the amount of the homestead property tax exemption allowed for persons over the age of sixty-five years, the disabled, and the legally blind from the first fifty thousand dollars to the first seventy-five thousand dollars of the fair market value of the homestead.

**H.3346 STATE TAX CREDIT FOR INSTALLING SOLAR ENERGY EQUIPMENT**

**Rep. Loftis**

This bill establishes provisions authorizing a state tax credit for the installation of solar energy equipment in an amount equal to thirty-five percent of the amounts for specific types of installations. The legislation provides that the credit is authorized against state tax liability that includes income taxes, corporate license taxes, bank and building and loan taxes, and insurance premium taxes.

**H.3360 CHILDBIRTH EXPENSES UNDER MEDICAID Rep. Toole**

This bill requires Medicaid recipients giving birth to a child under Medicaid to pay the hospital and attending physician amounts equal to the average out-of-pocket hospital and attending physician expenses paid by parents under the State Health Plan for the birth of a child. The Division of Insurance in the State Budget and Control Board is required to publish the average of these out-of-pocket expenses annually. The legislation provides for garnishment of the parents' wages if these expenses are left unpaid.

**H.3361 STATE AGENCIES PROHIBITED FROM MAKING EXPENDITURES UNRELATED TO CORE MISSION Rep. Toole**

This bill prohibits a state agency from expending any funds appropriated or authorized by law for its use to expend such funds for advertising of any type, or for sponsorship or promotion of any program, plan, project, or event that does not directly relate to the agency's core mission.

**H.3362 STATE AGENCIES PROHIBITED FROM DEMANDING PAYMENT OF AMOUNTS THAT DO NOT EXCEED BILLING COSTS Rep. Toole**

This bill requires the South Carolina Department of Revenue annually to calculate a per item average cost for the direct costs attributable to the preparation, printing, mailing, and processing of the response for a bill or other written demand for payment made by the department. Based on this annual calculation, any bill or demand for payment otherwise required to be issued by any state agency during the fiscal year for an amount less than the annual average cost is deemed paid in full and no bill or demand for payment issued.

**H.3363 "EDUCATION PROFESSIONAL PERFORMANCE AND PAY ACCOUNTABILITY ACT OF 2011" Rep. Sellers**

This bill enacts the "Education Professional Performance and Pay Accountability Act of 2011" to require the State Department of Education to create and implement a system for assessing the performance of teachers and other school-based staff. The legislation establishes a framework for rating teachers and other school-based staff based on job function and requires the department to develop guidelines whereby local school districts shall establish pay plans that offer bonuses to certain highly effective personnel. The legislation revises provisions relating to local school district parental involvement plans, so as to require local school districts to develop plans to encourage parental involvement in all aspects of student education and development.

**H.3368 STATE SPENDING LIMITS Rep. G. R. Smith**

This bill provides that the limit on state general fund appropriations for a fiscal year is the total amount of the general fund revenue estimate as of February 15, 2010 for fiscal year 2010-2011, increased annually and cumulatively by a percentage determined by population increases and increases in inflation as measured by the consumer price index. The legislation allows the spending limitation to be suspended for a fiscal year for a specific amount upon a special vote of the General Assembly. The legislation created the Spending Limit Reserve Fund to which all surplus general fund revenues must be credited. The legislation provides for the priority uses of the revenues of this fund, and provides for the appropriation of fund revenues after these priorities are met. The legislation requires that appropriation of Spending Limit Reserve Fund revenues must be made by a joint resolution originating in the House of Representatives. The legislation provides that these spending limits first apply for fiscal year 2011-2012.

**H.3377 "THE VOCATIONAL REHABILITATION ACT OF 2011" Rep. Crawford**

This bill enacts "The Vocational Rehabilitation Act of 2011" to create the Division of Vocational Rehabilitation within the Department of Employment and Workforce and transfer to the new division all of the appropriations, functions, powers, duties, responsibilities, and authority currently exercised by the Department of Social Services concerning vocational rehabilitation services. The legislation establishes the duties of the division and provides for the appointment of a director. The legislation establishes a statewide mandate for vocational rehabilitation services. The legislation creates a Vocational Rehabilitation Fund and establishes provisions for its funding and

administration, including the acceptance and use of gifts to the fund as well as appropriations from the General Assembly to the division. The legislation requires that other funding must be sought and used before state funding can be used for vocational rehabilitation services. The legislation regulates the use of certain information gathered. The legislation provides for the availability of vocational rehabilitation services to incarcerated persons. The legislation establishes criteria for a vocation rehabilitation counselor.

**H.3386 NEW K-12 EDUCATION LOTTERY GAME Rep. R. L. Brown**

This bill provides for additional funding for public kindergarten through twelve schools from proceeds of a new South Carolina Education Lottery game designated "The K-12 Game".

**H.3401 RETENTION OF OWNER-OCCUPIED RESIDENTIAL PROPERTY TAX ASSESSMENT RATIO BY ACTIVE DUTY MILITARY PERSONNEL FOLLOWING REASSIGNMENT OUT OF THE STATE Rep. Harrell**

This bill allows an active duty member of the armed forces of the United States who is allowed the four percent special property tax assessment ratio on his personal residence to retain that assessment ratio and any applicable exemption even if permanently assigned to a duty station outside of this state until such time as: (1) the property is sold or undergoes another assessable transfer of interest, or (2) the member leaves active duty, whichever comes first. The legislation provides that the special ratio applies whether or not the residence is occupied. The legislation specifies that the application of the special four percent assessment ratio on an owner-occupied legal residence so allowed must be construed as a property tax exemption.

**H.3404 REVISED CALCULATION OF THE EDUCATION FINANCE ACT INDEX OF TAXPAYING ABILITY FOR FISCAL YEARS 2011-2012 AND 2012-2013 Rep. Cooper**

This joint resolution revises the method of calculating the index of taxpaying ability for purposes of the Education Finance Act (EFA) for fiscal years 2011-2012 and 2012-2013 by imputing an index value for owner-occupied residential property assessed at four percent of value and to provide that, for those years, the index of taxpaying ability for real property assessed at six percent must be calculated using sales ratio data.

**H.3406 PROHIBITING HEALTH INSURANCE PLANS OFFERED THROUGH THE STATE EXCHANGE FROM INCLUDING ELECTIVE ABORTION COVERAGE Rep. Delleney**

This bill provides that, in keeping with federal law, all qualified health plans offered through the state Exchange are prohibited from including elective abortion coverage. The legislation provides that health insurance plans and policies offered outside the Exchange must not provide coverage for elective abortions except by optional supplemental coverage for abortion which must be paid by a separate premium. The legislation establishes procedures for providing elective abortion coverage

**H.3407 "EDUCATIONAL OPPORTUNITY ACT" Rep. Herbkersman**

This bill enacts the "Educational Opportunity Act" to provide that a qualifying student is eligible to receive a scholarship to attend an independent school if he meets certain conditions. The legislation establishes conditions allowing a tax credit to be taken by a person who files state income tax for tuition paid for a qualifying student to attend an

independent school. The legislation requires the State Budget and Control Board to calculate the savings to the state general fund derived from the provisions of this legislation, to provide the mechanism for that calculation, to provide for tax credits to be taken for tuition paid for other students to attend independent schools, and to provide for the total and individual amounts of those tax credits. The legislation establishes a tax credit for a person who teaches a qualifying student at home. The legislation allows a corporation or person to claim a credit against state income tax or franchise fees for a contribution made to a student scholarship organization. The legislation establishes testing requirements. The legislation authorizes the Department of Revenue to promulgate necessary regulations and conduct necessary examinations and investigations. The legislation provides reporting requirements by the State Budget and Control Board and the Legislative Audit Council. The legislation establishes duties of the Education Oversight Committee and the Department of Education. The legislation provides that an independent school is not an agent or arm of the state or federal government with respect to this legislation and specifies that other state agencies may not regulate the educational program of an independent school.

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